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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman  
WILLIAM A. MUNDELL  
MARC SPITZER  
MIKE GLEASON  
KRISTIN K. MAYES

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AZ CORP COMMISSION  
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Arizona Corporation Commission

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IN THE MATTER OF THE APPLICATION OF  
WOODRUFF WATER COMPANY, INC. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER SERVICE IN  
PINAL COUNTY, ARIZONA.

DOCKET NO. W-04264A-04-0438

IN THE MATTER OF THE APPLICATION OF  
WOODRUFF UTILITY COMPANY, INC. FOR A  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE SEWER SERVICE IN  
PINAL COUNTY, ARIZONA.

DOCKET NO. SW-04265A-04-0439

IN THE MATTER OF THE APPLICATION OF  
ARIZONA WATER COMPANY, AN ARIZONA  
CORPORATION, TO EXTEND ITS EXISTING  
CERTIFICATES OF CONVENIENCE AND  
NECESSITY AT CASA GRANDE AND  
COOLIDGE, PINAL COUNTY, ARIZONA.

DOCKET NO. W-01445A-04-0755

**SIXTH**  
**PROCEDURAL ORDER**

BY THE COMMISSION:

On June 10, 2004, Woodruff Water Company, Inc. ("WWC") and Woodruff Utility Company, Inc. ("WUC"), each filed an application for a Certificate of Convenience and Necessity ("Certificate") with the Arizona Corporation Commission ("Commission") to provide public water and public wastewater utility service, respectively, to various parts of Pinal County, Arizona.

On June 30, 2004, the Commission's Utilities Division ("Staff") issued a notice of insufficiency which indicated that WWC's and WUC's applications had not met the sufficiency requirements of A.A.C. R14-2-411(C), and A.A.C. R14-2-610(C).

On October 7, 2004, Staff issued a letter of administrative completeness to WWC and WUC.

On October 14, 2004, by Procedural Order, a hearing was set in this matter.

On October 19, 2004, Arizona Water Company ("AWC") filed an application to extend its Certificate(s) to include the area in which WWC is seeking a Certificate of provide water service, an

1 application to intervene in the WWC proceeding in the above-captioned matter and a Motion to  
2 Consolidate the proceedings with respect to WWC's application to provide water service.

3 On November 4, 2004, by Procedural Order, AWC was granted intervention, the above-  
4 captioned matters consolidated for purposes of hearing, and a pre-hearing conference scheduled for  
5 November 18, 2004.

6 On November 5, 2004, Staff filed a Motion to Extend because of the issues raised by the  
7 competing applications filed by WWC and AWC with respect to the provision of water service in the  
8 area sought to be certificated herein. Staff requested that the current procedural schedule established  
9 by the Commission's October 14, 2004, Procedural Order in this proceeding be vacated and the time-  
10 frame for the above-captioned proceedings be extended to allow for the review and consideration of  
11 the pending applications in one hearing.

12 On November 10, 2004, AWC filed Joinder in Staff's Motion to Extend. WWC and WUC  
13 filed a response indicating that they did not object to a short delay. WWC and WUC also indicated  
14 that public notice had been provided as previously ordered.

15 On November 10, 2004, by Procedural Order, Staff's Motion to Extend was granted until  
16 Staff issues a letter of administrative completeness to AWC at which time the time-frame will be  
17 restarted. It was further ordered that the pre-hearing conference scheduled for November 18, 2004, go  
18 forward as previously scheduled as well as the hearing scheduled on November 30, 2004, for public  
19 comment to be taken.

20 On November 12, 2004, Staff issued a notice to AWC that its application did not meet the  
21 sufficiency requirements of A.A.C. R14-2-411(C).

22 On November 18, 2004, a pre-hearing conference was convened with WWC, WUC, AWC  
23 and Staff present with counsel.

24 On November 30, 2004, a full public hearing was convened before a duly authorized  
25 Administrative Law Judge at its offices in Phoenix, Arizona. WWC, WUC, AWC and Staff were  
26 present with counsel and public comment was taken.

27 On December 16, 2004, Pulte Home Corporation ("Pulte") filed a Motion to Intervene and  
28 requested expedited consideration of the uncontested extension area. There were no objections to

1 Pulte's Motion to Intervene.

2 On December 30, 2004, by Procedural Order, Pulte was granted intervention in the above-  
3 captioned matters. Its additional request was taken under advisement.

4 On January 4, 2005, AWC filed a Response to the Insufficiency Letter.

5 On January 5, 2005, WWC and WUC filed a copy of their Affidavit of Publication.

6 On January 20, 2005, Staff issued a notice of administrative sufficiency to AWC pursuant to  
7 A.A.C. R14-2-411(C).

8 On January 24, 2005, by Procedural Order, the proceeding was scheduled for hearing on April  
9 18, 2005.

10 On January 27, 2005, Staff filed a Motion to Reschedule Hearing because a key Staff witness  
11 would be unavailable to testify due to a scheduling conflict.

12 On January 31, 2005, by Revised Procedural Order, the Commission rescheduled the  
13 proceeding.

14 Prior to the rescheduling of the proceeding, AWC filed what was captioned as "Motion for  
15 Procedural Order Concerning Prefiled Testimony" ("PF Motion") requesting that a Procedural Order  
16 be issued directing the parties to prefile prepared direct and rebuttal testimony and exhibits.  
17 Subsequently, Staff filed a response objecting to AWC's PF Motion.

18 On February 1, 2005, AWC, in support of the PF Motion, filed a reply to Staff's response.

19 On February 2, 2005, WWC and WUC filed their response supporting Staff's position and  
20 argued further that the proceeding would be unduly delayed if AWC's PF Motion is granted.

21 On February 7, 2005, AWC filed its reply to WWC's and WUC's response.

22 Under the circumstances, the PT Motion by AWC should be denied as any party to the  
23 proceeding will have an opportunity to file written objections to the Staff Report to argue its issues, if  
24 the party so desires.

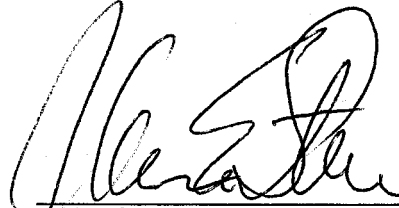
25 IT IS THEREFORE ORDERED that Arizona Water Company's Motion for Procedural Order  
26 Concerning Prefiled Testimony is hereby denied.

27 ...

28 ...

1 IT IS FURTHER ORDERED that the presiding Administrative Law Judge may rescind, alter,  
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
3 ruling at hearing.

4 DATED this 8<sup>th</sup> day of February, 2005.



MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

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8  
9 Copies of the foregoing mailed/delivered  
this 8 day of February, 2005 to:

10 Marvin Cohen  
11 SACKS TIERNEY  
12 4250 N. Drinkwater Blvd., 4<sup>th</sup> Floor  
13 Scottsdale, AZ 85251-3900  
Attorneys for Woodruff Water Company, Inc.  
and Woodruff Utility Company, Inc.

14 Jeffrey W. Crockett  
15 SNELL & WILMER  
16 400 W. Van Buren  
17 Phoenix, AZ 85004-2202  
18 Attorneys for Woodruff Water Company, Inc.  
19 and Woodruff Utility Company, Inc.

20 Robert W. Geake  
21 ARIZONA WATER COMPANY  
22 P.O. Box 29006  
23 Phoenix, AZ 85038-9006

24 Steven A. Hirsch  
25 BRYAN CAVE, LLP  
26 Two North Central Avenue, Ste. 2200  
27 Phoenix, AZ 85004-4406

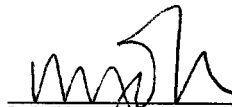
28 Denis Fitzgibbons  
Coolidge City Attorney  
711 E. Cottonwood, Ste. E  
Casa Grande, AZ 85230-1208

K. Scott McCoy  
Casa Grande City Attorney  
510 E. Florence Blvd.  
Casa Grande, AZ 85222

Raymond S. Heyman  
Michael W. Patten  
ROSHKA HEYMAN & DeWULF  
400 East Van Buren Street, Ste. 800  
Phoenix, AZ 85004  
Attorneys for Pulte Home Corporation

Christopher Kempley, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

Ernest Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, Arizona 85007

By:   
Molly Johnson  
Secretary to Marc E. Stern